

**C. APPLICANT'S COMMENTS**

Claims 1, 2, 5-9, 12, 13 and 17 are pending in this Application, with Claims 1, 2, 5, 6, 8, 9, 12 and 18 being amended, Claims 3, 4, 10, 11, 14-16, 19 and 20 being canceled and Claims 21-24 being added. No new matter is added by way of these amendments, and the amendments are supported throughout the Specification and the drawings. Reconsideration of Claims 1, 2, 5-9, 12, 13, 17, 21-24 is respectfully requested. The Examiner's rejections will be considered in the order of their occurrence in the Official Action.

**Paragraphs 1-2 of the Official Action**

The Official Action rejected as-filed Claims 1 – 11, 18 under 35 U.S.C. §102(b) as being anticipated by Van Der Hoeven (U.S. Patent No. 5,425,691). The Applicant respectfully disagrees with this rejection for at least the following reasons.

It is important to first briefly discuss 35 U.S.C. §102 and its application to the present application. Under 35 U.S.C. §102(b), anticipation requires that the prior art reference both (1) disclose, either expressly or under the principles of inherency, every limitation of the claim, and (2) be enabling thus placing the allegedly disclosed matter in the possession of the public.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Hence, under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Anticipation also requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). In addition, the prior art reference must be enabling, thus placing the

allegedly disclosed matter in the possession of the public. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987) (emphasis added).

Independent Claim 1 has the following features:

1. A hockey training system, comprising:
  - a base usable by a user as a slide board in a sliding position; and
  - a pair of platforms adjustably positionable upon said base in either a plurality of angled plyometric positions or a horizontal stepping box position.

Independent Claim 18 has the following features:

18. A hockey training system, comprising:
  - a base usable by a user as a slide board in a sliding position;
  - at least one cover member positionable upon an upper portion of said base for a user to stand upon;
  - a shooting member for allowing a user to practice shooting hockey pucks upon while standing upon said at least one cover member;
  - a net positionable at an end of said shooting member; and
  - at least one reserve unit positionable upon an end of said base, wherein said at least one reserve unit is designed to retain and dispense a plurality of pucks, and wherein said at least one reserve unit includes a side opening for allowing a user to remove hockey pucks from said at least one reserve unit.

However, Van Der Hoeven does not teach at least the following features contained in independent Claim 1:

- a pair of platforms adjustably positionable upon said base in either a plurality of angled plyometric positions or a horizontal stepping box position

Van Der Hoeven teaches a “Stepping and Sliding Exerciser”. More particularly, Van Der Hoeven merely teaches a device used for stepping and sliding exercises (Col 4, Line 5) (see figures below). As taught by Hoeven, (Col 4, Lines 7 – 13) two substantially symmetrical half-shells **45** and **46** can be brought together to form a stepping platform or placed on the floor in a spaced-apart arrangement **49** with a sliding web **50** spread between them to form a sliding exerciser. Van Der Hoeven simply does not teach or suggest a platform that is adjustable in either multiple angled or

either multiple angled or horizontal positions. More particularly, Van Der Hoeven does not teach or suggest “a pair of platforms adjustably positionable upon said base in either a plurality of angled plyometric positions or a horizontal stepping box position”.

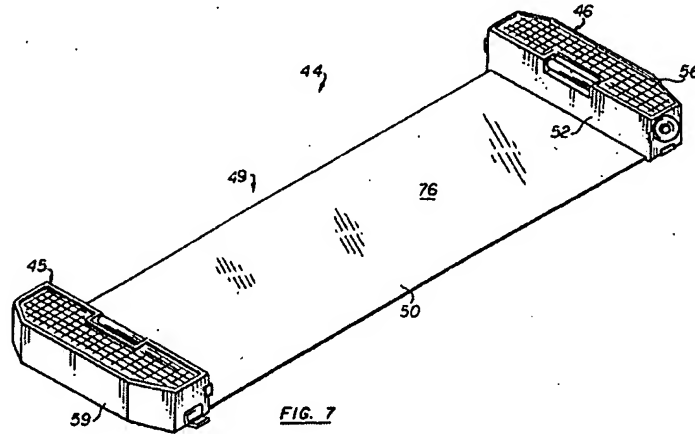


Figure 7 of U.S. Patent No. 5,425,691

As further taught by Van Der Hoeven, (Col 5, Lines 57 – 60) “In an alternative embodiment **151** of the invention illustrated in FIGS. 20-23, a pair of rigid bumpers **153**, **154** having a angled surface of slippery material are connected, one each to the spread apart half-shells **155**, **156** deployed in the sliding configuration as shown in FIG. 20.” As shown below in Figures 2 and 5 of the Applicants drawings, the upper surface of each platform **30** is covered in a gripping material so a person performing a plyometric exercise as shown in Figure 2, can safely jump from one platform **30** to the other platform **30**. Van Der Hoeven actually teaches away from this by disclosing that each angled surface is to be covered with a slippery material. Obviously one could not safely utilize the invention as taught by Van Der Hoeven in a plyometric exercise.

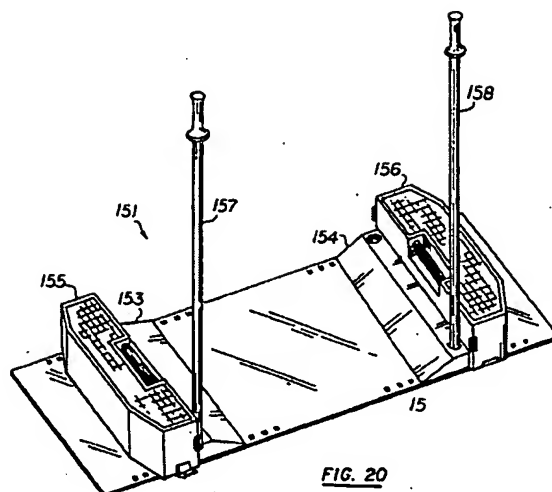


Figure 20 of U.S. Patent No. 5,425,691

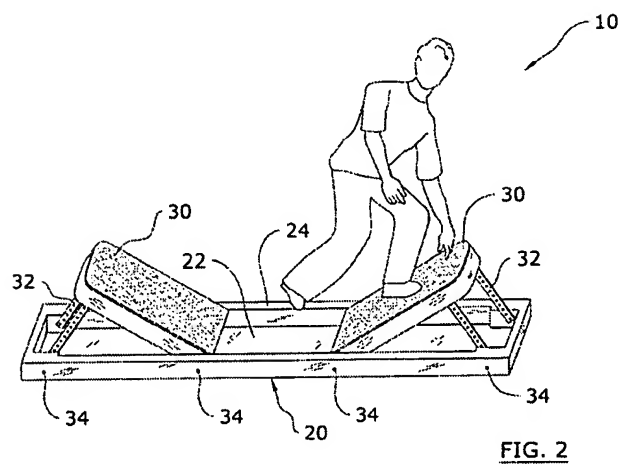


Figure 2 of Present Invention

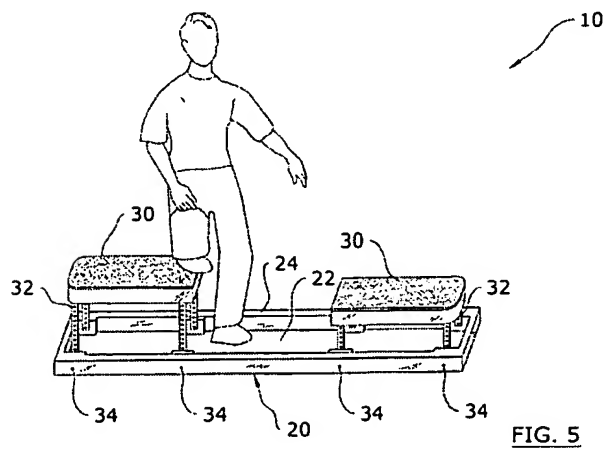
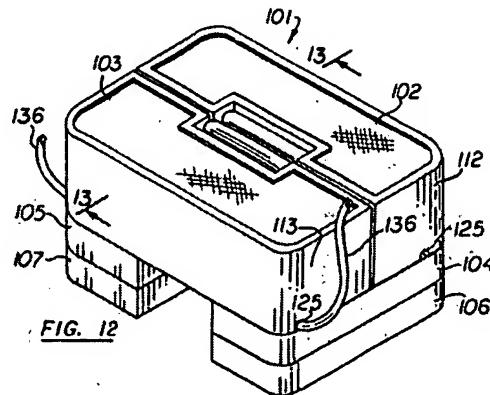
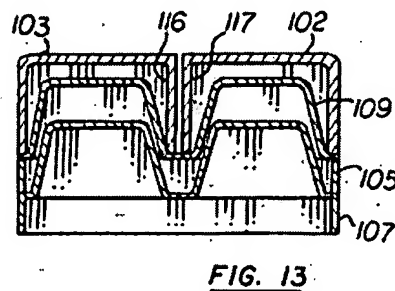


Figure 5 of Present Invention

In regards to the rejections to Claims 12 and 13, the examiner states that Van Der Hoeven shows at least one reserve unit (45 or 46) includes a curved portion (the base is curved shape (see figures 13, 14)) connected to the side openings (see figure 12) and wherein Van Der Hoeven shows at least one reserve unit is comprised of a pair of reserve units (45 and 46) positionable upon opposing ends of the base 76. However, as taught by the Applicant the reserve units are for retaining and dispensing a plurality of pucks and the curved portion connected to the reserve unit is for assisting in guiding the hockey pucks from the reserve unit. As shown below in Figures 12 and 13 of Van Der Hoeven, the reserve units would not be able to retain, dispense and assist in guiding pucks for the user.



**Figure 12 of U.S. Patent No. 5,425,691**



**Figure 13 of U.S. Patent No. 5,425,691**

The Applicant respectfully submits that Van Der Hoeven does not qualify as appropriate prior art under 35 U.S.C. §102(b) as Van Der Hoeven does not disclose (expressly or inherently)

all of the features of independent Claims 1 and 18. Therefore, Applicant respectfully submits that independent Claims 1 and 18 are patentable over the cited reference for at least these reasons. Accordingly, Applicant respectfully requests that the Examiner withdraw the outstanding rejection as applied to independent Claims 1 and 18, since the application is in condition for allowance. Accordingly, dependent Claims 2, 5-9, 12, 13 and 17, which depend there from are also in condition for allowance.

**Paragraph 3 of the Official Action**

Per paragraph 3 of the Office Action, independent Claims 21-24 have been added which incorporate these features. Independent Claim 21 includes the features of as-filed independent Claim 1, dependent Claim 9 and dependent Claim 14. Independent Claim 22 includes the features of as-filed independent Claim 1, dependent Claim 9 and dependent Claim 15. Independent Claim 23 includes the features of as-filed independent Claim 1, dependent Claim 9 and dependent Claim 16. Independent Claim 24 includes the features of as-filed independent Claim 1, dependent Claim 9 and dependent Claim 17. The newly added independent claims are respectfully submitted to be in condition for allowance.

**D. CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone the undersigned.

Respectfully submitted,



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